

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., October 6, 2003, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5 (entered late). Absent: Don Stapley, District 2. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

PRESENTATION OF OUTSTANDING CRIMINAL JUSTICE ISSUES.

Sandi Wilson, Deputy County Administrator
Chris Bradley, Deputy Budget Director

Ms. Wilson said their report would inform the Board of some approaching criminal justice issues that they believe may become very expensive budget items. Some of this extra expense was expected but extenuating circumstances could result in a heavier impact than was foreseen. The economic recovery is expected to remain slower than anticipated. The circumstances cited included the following: (C49040058)

- Criminal case filings have increased by 10% in the past year and will continue
- Fill the Gap (FTG) funding has helped address growth the past few years. This came about in two components, one was fee generation, filtering County fees from the County's criminal justice system through the State, and they are returned as a Grant. The second proponent was general funds - state funding. With the State's budget crunch, there is little or no State general funding coming to the County now. Funds left for FY 2004 are the \$5.9 million that is the fee generated portion that comes from the County system through the AOC and back to the criminal justice agency. She said going through the State with this program has become more of a burden than a help as it is not working the way it was intended in 2000.
- County agencies have withheld funding requests the past two years due to the economic crisis. As a result there is little or no capacity to assume an additional workload.
- The County Attorney's Office has requested additional staff to handle the Rule 8/Rule 15 funding as a result of the Supreme Court ruling on criminal sentencing and resulting number of retrials. The annualized increase requested is \$2.6 million.
- The Public Defender also has workload issues and has had to withdraw from cases that then go to a contract council defense causing increased funding needs there. The annualized requests cover the Public Defender, Legal Defender, Legal Advocate and Contract Counsel, and already total \$3,706,802 to provide for the new service demands.

Chris Bradley said that space needs are also increasing in the courts as well as the other criminal justice agencies. It is hoped that existing facilities can be utilized to prevent having to lease additional outside space for short or long term use. At the state level, Child Protective Services is filing many more cases and there is a resulting jump in Juvenile Dependency and child welfare cases. The County must provide legal representation, mostly to the children involved who have no means to pay for legal counsel. This has become a huge liability for the budget. Early this year the County took over the major responsibilities for funding Adult Probation from the State, who could not keep up with the increased demands in that area and had cut back, with negative consequences.

Mr. Bradley said that staffing the Sheriff's Patrols in the unincorporated areas of Maricopa County was another developing issue. This hasn't been looked at since 1995 and the population in those areas has grown by approximately 35,000 people since that time. Sun Lakes was mentioned as an area having a big increase in crime and service calls and they need and expect a significant increase in staffing to cover these service calls. Part of the problem is that many County islands are located in the middle of cities that will not patrol them even though they drive through those areas on their own patrols. The County has to travel into the city from the outskirts to cover those islands. Ms. Wilson said it would be a tremendous help if the cities would take over patrolling those areas. Or, alternatively, to annex and incorporate them.

The new jail facilities should reach full operation in 2-3 years. On a daily basis, the average adult jail census in August 2003 was 8,300 to 8,700 inmates. Plans for new facilities and the next construction phase will have to begin almost as the new jails are opened as the increased criminal activities will quickly fill them to near capacity. Space planning for the current new jail additions is considered to have been adequate but since then the Governor has proposed to house up to 2,000 DOC (Department of Corrections) inmates in County jails to address the overcrowding in the State prison. There are no existing facilities in the County system to house those additional prisoners.

The Integrated Criminal Justice Information System (ICJIS) also has funding needs for future phases as the first stage of this program is near completion. Chairman Brock mentioned the importance of being able to use ICJIS to access information from other in-state and out-of-state criminal investigations to learn about existing outstanding warrants on those arrested for a crime in Maricopa County.

Ms. Wilson said that a report on the financial status of the County would be ready for the next Board meeting and that Elliot Pollack will give his report at that time as well. She warned that the next budget season would be very difficult because the \$51 million that was set aside to help weather the economic downslide has been exhausted to help balance the current budget. She said that the State still has budget shortfalls that could be as high as \$1-2 billion and believes that significant cost shifting will continue for some time. In addition, a pending issue with ALTCS threatens \$11 million promised by the State. She indicated that OMB is watching this closely. In future years the budget will consist solely of revenue growth.

Chairman Brock said that, unfortunately, the ongoing and escalating number of criminal cases has caused the County to have a poorly kept secret. "When this jail is completed we're going to need to build another one." He said, "The capital costs for the jails are one thing but it's the operating costs that already have us worried about where the money is going to come from."

He asked if OMB has a range of gross pro-forma estimates to bring to the Board in terms of courts, incarceration, sheriff's patrols, etc. Ms. Wilson replied that they had not entered into discussions on next year's budget yet but are working to control issues still needing to be addressed in this year's budget.

Discussion was held on current and future space and other needs of the various courts in the system; the number of court facilities housed in leased properties (18 of the 23 justice courts are in leased buildings and lease costs increase yearly); and the total number of judges and commissioners in the Justice and Superior Courts (approximately 135). Also discussed was double and/or triple bunking for prisoners and if those costs had been included in the estimates and how much money is saved by using them. Supervisor Wilson requested information on the impact of illegal alien infiltration on the jails.

Supervisor Kunasek asked what the dollar amount generated through the fifth of a cent sales tax was. Mr. Bradley replied that this year it is estimated to be \$103 million but spending "in today's dollars" could exceed that amount. Mr. Kunasek asked to see the future projections on extension estimates that have been compiled, and for a fuller briefing on the correctional costs and status of all the contracts for the jails.

PRESENTATION REGARDING REGIONAL CRIME PREVENTION STRATEGY - COUNTY ADMINISTRATIVE OFFICER

David R. Smith, County Administrative Officer

Betty Adams, Special Assistant to the County Administrative Officer

David Smith said that pre-planning has been an important component to those working on the \$465 million budget item that encompasses all of the criminal justice agencies in the County. He reported that this is the last year of the five-year jail and juvenile facilities plan, adding that the master plan for courts and proposals for justice courts is underway, and ICJIS is already transmitting millions of pieces of data exchanges every month. Yet with all of those efficiency endeavors operating OMB (Office of Management and Budget) is still looking at a confluence of many negative cross drivers that impact the whole. These include the state budget cuts, the increasing intensity of resources going into capital cases and juvenile dependency cases, the increase in the total number of cases, the steady and significant population increase, and the poor economy. He said, "These all conspire against the notion of holding the budget to the level we'd like – at least consistent with the growth of our revenue. We are examining the best practices to add to our criminal justice system without going to facilities or the taxpayer and still operate intelligently and efficiently." (ADM408)

Mr. Smith called Betty Adams, Judge Lynn Scott, Sherrie Townsend and Don Thomas forward to take part in the next discussion. Supervisor Wilcox introduced this by saying that crime prevention had been a focus in the County for some years and included the funding substance abuse programs, evaluation of programming, truancy prevention and intervention, after-care programming in the community and other innovative programs aimed at prevention. She reported that in Maricopa County in 2002 there averaged 1 murder, 4 rapes, 22 robberies, 54 aggravated assaults, 159 burglaries, 542 larceny/petty thefts, 156 motor vehicle thefts and 5 arsons every 24 hours. More than 6,800 crimes per 100,000 people were committed in 2002. They will present a program for a Regional Crime Prevention Program.

Don Thomas, reported on crime in the State of Arizona garnered through two related research reports that contain different kinds of data: Uniform Crime Reported data (UCR) and data from the National Crime Victimization Survey (NCVS). These reports provide information on other states which make comparisons possible. He said that Arizona has the highest total crime index of all 50 states. In Violent Crimes Arizona is 15th; in the nation, and in Property Crimes, which is considered to drive the total crime index, Arizona is No. 1. Arizona is also ranked #1 in Motor Vehicle Thefts (MVT), and Mr. Thomas said, "We're #1 by a long shot with Nevada being the next closest, and Arizona is more than 40% higher than Nevada." The juvenile aspect in MVT Arizona was down over 40% but was up 18% over the national in the adult numbers. While MVT is up significantly in Arizona, the national MVT trend is down.

In conclusion, Mr. Thomas said that brick and mortar isn't the answer because you can't build enough jails if crime continues its escalation and it is vital to find and fund alternative solutions. He added that increased efficiency in targeting early response to crime is vital for individuals, families and communities. He suggested that ICJIS could play an increasingly important role in this. He said, the 2003 White Paper published by ACJC will relate that reported offenses are up over 8% from 2002, which could signal a change in the crime trend established during the past 10-years.

Discussion ensued on what was termed "regional strategy with community solutions" for both juveniles and adults. Many jurisdictional programs have been designed and implemented but what is lacking is leadership on a regional basis to pull everything together. It is hoped that the County will take this over and most, including MAG, feel the County would be the appropriate body since it is to be regional. Ms. Adams reported that Maricopa County spends \$1.3 million per day on the criminal justice system – this does not include any of the municipalities or other service providers in the community.

Judge Scott commented that she had not seen the tremendous growth in referrals in the Juvenile System and she believes that can be attributed to the efforts and dollars invested in prevention. She suggested that instead of calling the prevention activities social programs (since many say they don't have money to put into a social-type program) it would be better to call them crime-prevention programs or crime intervention and strategy programs because this is what they are and what they do. She said that the 40% increase in dependency cases for children needs to be addressed through increased efforts from schools, police departments, cities and families.

Sherrie Townsend said the criminal justice master plan included a lot of activity on the juvenile side with continued investments in prevention and early intervention. She said that the Juvenile Bench has also invested in alternatives to detention without compromising the risk to public safety. In Maricopa County, juvenile crime reached its peak in 1993 when 6.3 per 1,000 juveniles were referred for violent crime. This statistic resulted in a loud public outcry and collaborative efforts to reverse this have had a positive impact on juvenile crime. The increased investment in prevention has resulted in a sizeable return on that investment.

Ms. Townsend reported that an anti-bullying video in both English and Spanish has been sent to all schools in the County because bullying has been identified as one of the things Maricopa County schools are most concerned about in terms of violence. However, the area of crime providing the greatest challenge is in drug complaints and some very severe problems regarding drugs are seen throughout the community.

Betty Adams said that while great strides have been made in juvenile crime over the past 10 years, 30% of the children still come back through the system time and time again. She reiterated that a regional crime prevention council for both juveniles and adults is needed and that one function should be to determine which programs have been proven to reduce crime and then to make sure that they have continued funding. She indicated that preliminary work has been done and the formation of this regional council is the next step. She asked the Board for assistance. No funding would be needed the first half of this fiscal year and only limited funding would be required for the second half.

Supervisor Wilcox said, "An ounce of prevention is worth a pound of cure and we want to save our taxpayer's money, save the lives of our children and keep them from getting into a criminal trap." She asked that the group be given approval to continue their efforts.

Chairman Brock expressed his enthusiasm for the project and mentioned that sports' celebrities would be a good choice to place on the regional council to increase interest and participation. He suggested that Diamondback or Suns figures would be good because most have already shown an active interest in contributing to many different programs for youth and in community improvement. All Board members expressed approval for the continuation of this program.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda DATED October 6l 2003, as follows.

LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

1. Mesa General Hospital Medical Center v. Maricopa County and related cases (Nos. CV 1998-001664)

Christopher C. Keller, Division Chief, Division of County Counsel
Bruce P. White, Deputy County Attorney
Sandi Wilson, Deputy County Administrator
Shawn Nau, Director, Health Care Mandates
Jan Ringgenberg, Health Care Mandates
Donald W. Bivens, Attorney, Meyer Hendricks & Bivens
Michael Ross, Attorney, Meyer Hendricks & Bivens
Brenden Murphy, Attorney, Meyer Hendricks & Bivens
Kym Nichols, Paralegal, Meyer Hendricks & Bivens

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

2. Catholic Healthcare West Arizona v. Mariocpa County, No. CV 2001-014007

Christopher C. Keller, Division Chief, Division of County Counsel
Bruce P. White, Deputy County Attorney
Sandi Wilson, Deputy County Administrator
Shawn Nau, Director, Health Care Mandates
Jan Ringgenberg, Health Care Mandates
Donald W. Bivens, Attorney, Meyer Hendricks & Bivens
Michael Ross, Attorney, Meyer Hendricks & Bivens
Brenden Murphy, Attorney, Meyer Hendricks & Bivens
Kym Nichols, Paralegal, Meyer Hendricks & Bivens

PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(4)

3. McGee v. Maricopa County, et al.

Peter Crowley, Risk Manager
Patrick Spencer, Claims Manager
Georgia A. Staton, Jones, Skelton & Hochuli
Rachel L. Halvorson, Jones, Skelton & Hochuli

SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - A.R.S. §38-431.03(A)(4)

4. Larry K. Phillips

Mary Cronin, Deputy County Attorney, Division of County Counsel
Robert Briney, Legal Defender

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

INFORMAL SESSION

October 6, 2003

Max Bessler, Legal Defender

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Norma Risch, Deputy Clerk of the Board